

THE HONORABLE JAMES L. ROBERT

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

CITY OF SEATTLE,

Defendant.

No. 2:12-cv-01282-JLR

DECLARATION OF DAVID A. PEREZ IN
SUPPORT OF COMMUNITY POLICE
COMMISSION'S RESPONSE TO
PARTIES' STIPULATED, JOINT MOTION
TO TERMINATE PARAGRAPHS 69-168
OF THE CONSENT DECREE

DECLARATION OF DAVID A. PEREZ
(No. 2:12-cv-01282-JLR)

Perkins Coie LLP
1201 Third Avenue, Suite 4900
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Phone: 206.359.8000
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1 I, David A. Perez, hereby declare:

2 I have personal knowledge of the facts stated below and am competent to testify
3 regarding the same.

4 1. I am a partner at Perkins Coie LLP, and outside counsel to the Community Police
5 Commission ("CPC").

6 2. Attached as **Exhibit A** is a true and correct copy of a statement read by Carolyn
7 Riley-Payne, the NAACP Seattle King County President, on May 11, 2020, which was
8 downloaded from [https://www.seattlekingcountynaacp.org/press-releases-and-](https://www.seattlekingcountynaacp.org/press-releases-and-statements/presidents-statement-read-at-seattle-city-council-today-on-ending-the-consent-decree)
9 [statements/presidents-statement-read-at-seattle-city-council-today-on-ending-the-consent-decree](https://www.seattlekingcountynaacp.org/press-releases-and-statements/presidents-statement-read-at-seattle-city-council-today-on-ending-the-consent-decree)
10 on or about June 8, 2020.

11 3. Attached as **Exhibit B** is a true and correct copy of a statement by Seattle City
12 Attorney Pete Holmes, which was issued on June 3, 2020, and which was downloaded from
13 <https://news.seattle.gov/2020/06/03/city-attorney-to-withdraw-consent-decree-motion/> on or
14 about June 8, 2020.

15 4. Attached as **Exhibit C** is a true and correct copy of a statement by Mayor Jenny
16 Durkan, which was issued on June 3, 2020, and which was downloaded from
17 <https://durkan.seattle.gov/2020/06/statement-from-mayor-jenny-durkan-on-the-consent-decree/>
18 on or about June 8, 2020.

19 5. Attached as **Exhibit D** is a true and correct copy of a press release by the Seattle
20 Office of Police Accountability, which was issued on June 1, 2020, and which was downloaded
21 from [https://www.seattle.gov/Documents/Departments/OPA/PressReleases/06-01-20_OPA-](https://www.seattle.gov/Documents/Departments/OPA/PressReleases/06-01-20_OPA-Press-Release-Following-Demonstrations.pdf)
22 [Press-Release-Following-Demonstrations.pdf](https://www.seattle.gov/Documents/Departments/OPA/PressReleases/06-01-20_OPA-Press-Release-Following-Demonstrations.pdf) on or about June 8, 2020.

23 6. Attached as **Exhibit E** is a true and correct copy of Section 14.090 of the Seattle
24 Police Department Manual, which was downloaded from [https://www.seattle.gov/police-](https://www.seattle.gov/police-manual/title-14---emergency-operations/14090---crowd-management)
25 [manual/title-14---emergency-operations/14090---crowd-management](https://www.seattle.gov/police-manual/title-14---emergency-operations/14090---crowd-management) on or about June 8, 2020.
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1 7. Attached as **Exhibit F** is a true and correct copy of an article from *The Seattle*
2 *Times* by Daniel Beekman entitled ‘*No sense of de-escalation*’ at crucial moment during latest
3 *Seattle protest, videographer says*, which was downloaded from
4 [https://www.seattletimes.com/seattle-news/politics/no-sense-of-de-escalation-at-crucial-moment-](https://www.seattletimes.com/seattle-news/politics/no-sense-of-de-escalation-at-crucial-moment-during-latest-seattle-protest-videographer-says/)
5 [during-latest-seattle-protest-videographer-says/](https://www.seattletimes.com/seattle-news/politics/no-sense-of-de-escalation-at-crucial-moment-during-latest-seattle-protest-videographer-says/) on or about June 8, 2020.

6 8. Attached as **Exhibit G** is a true and correct copy of an article from *MYNorthwest*
7 by Nick Bowman entitled *Seattle council questions SPD’s use of tear gas, mace during weekend*
8 *protests*, which was downloaded from [https://mynorthwest.com/1907176/seattle-council-police-](https://mynorthwest.com/1907176/seattle-council-police-tear-gas-mace-protests/)
9 [tear-gas-mace-protests/](https://mynorthwest.com/1907176/seattle-council-police-tear-gas-mace-protests/) on or about June 8, 2020.

10 9. Attached as **Exhibit H** is a true and correct copy of an article from *The New York*
11 *Times* by Mike Baker entitled *Corrosive Effects of Tear Gas Could Intensify Coronavirus*
12 *Pandemic*, which was downloaded from [https://www.nytimes.com/2020/06/03/us/tear-gas-risks-](https://www.nytimes.com/2020/06/03/us/tear-gas-risks-protests-coronavirus.html)
13 [protests-coronavirus.html](https://www.nytimes.com/2020/06/03/us/tear-gas-risks-protests-coronavirus.html) on or about June 8, 2020.

14 10. Attached as **Exhibit I** is a true and correct copy of a letter sent by the CPC on
15 June 13, 2016, which raises concern over blast balls in light of their “documented serious injuries
16 to bystanders and observers.”

17 11. Attached as **Exhibit J** is a true and correct copy of an article from *The Seattle*
18 *Times* by Lewis Kamb entitled *Seattle police continue to use ‘flash-bang’ grenades during*
19 *protests, despite recommendations*, which was downloaded from
20 [https://www.seattletimes.com/seattle-news/seattle-police-continue-to-use-flash-bang-grenades-](https://www.seattletimes.com/seattle-news/seattle-police-continue-to-use-flash-bang-grenades-during-protests-despite-recommendations/)
21 [during-protests-despite-recommendations/](https://www.seattletimes.com/seattle-news/seattle-police-continue-to-use-flash-bang-grenades-during-protests-despite-recommendations/) on or about June 8, 2020.

22 12. Attached as **Exhibit K** is a true and correct copy of an article from *The Seattle*
23 *Times* by Naomi Ishisaka entitled *Now isn’t the time to backpedal on consent decree in Seattle as*
24 *George Floyd protests unfold*, which was downloaded from
25 [https://www.seattletimes.com/seattle-news/george-floyd-protests-spotlight-need-for-police-](https://www.seattletimes.com/seattle-news/george-floyd-protests-spotlight-need-for-police-reform-even-in-times-of-coronavirus/)
26 [reform-even-in-times-of-coronavirus/](https://www.seattletimes.com/seattle-news/george-floyd-protests-spotlight-need-for-police-reform-even-in-times-of-coronavirus/) on or about June 8, 2020.

1 13. Attached as **Exhibit L** is a true and correct copy of excerpts from the 2019
2 Annual Report by the Office of Police Accountability, which was downloaded from
3 <https://www.seattle.gov/Documents/Departments/OPA/Reports/2019-Annual-Report.pdf> on or
4 about June 8, 2020.

5 14. Attached as **Exhibit M** is a true and correct copy of an article from *The Seattle*
6 *Times* by Steve Miletich entitled *As complaints pour in about police at Seattle protests, city will*
7 *withdraw request that could lift federal oversight*, which was downloaded from
8 [https://www.seattletimes.com/seattle-news/crime/after-days-of-seattle-protests-city-will-](https://www.seattletimes.com/seattle-news/crime/after-days-of-seattle-protests-city-will-withdraw-request-to-remove-police-force-from-federal-oversight/)
9 [withdraw-request-to-remove-police-force-from-federal-oversight/](https://www.seattletimes.com/seattle-news/crime/after-days-of-seattle-protests-city-will-withdraw-request-to-remove-police-force-from-federal-oversight/) on or about June 8, 2020.

10 15. Attached as **Exhibit N** is a true and correct copy of an e-mail sent to the Monitor
11 team on May 15, 2020, which states that “the City cannot agree to extend the timeline past the
12 end of June without a ruling from the Court.”

13
14 EXECUTED this 9th day of June, 2020, at Seattle, Washington.

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16 /s/ David A. Perez

17 David A. Perez
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CERTIFICATE OF SERVICE

I certify under penalty of perjury that on June 9, 2020, I caused the foregoing document to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all attorneys of record.

DATED this 9th day of June, 2020.

s/ David A. Perez
DPerez@perkinscoie.com